

Docket No.: 4495-001

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1761
PATENT
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Shigeo Ozawa

U.S. Application Serial No. 09/519,999

Filed: March 6, 2000

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: Confirmation No. 8766
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: Group Art Unit: 1761
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: Examiner: Madsen, Robert A.
:

For: AN ACCOMODATION BAG

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith in triplicate is Appeal Brief in support of the Notice of Appeal filed April 15, 2004, Petition for an extension of time for one month, and a credit card form in the amount of \$220.00.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Kindly use the attorneys' address associated with the following Customer Number for future correspondence.

Respectfully submitted,

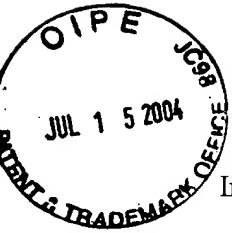
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Shigeo Ozawa

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For: AN ACCOMODATION BAG

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Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT'S BRIEF (37 C.F.R. § 1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on April 15, 2004.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate.

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This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 1.192(c)):

- I. Real Party in Interest.
- II. Related Appeals and Interferences.
- III. Status of Claims.
- IV. Status of Amendments.
- V. Summary of Invention.
- VI. Issues.
- VII. Grouping of Claims.
- VIII. Arguments.
- IX. Appendix of Claims Involved in the Appeal.

The final page of this brief bears the attorney's signature.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is OFFICE OZAWA CO. Ltd. of Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There is a total of 20 claims in the application, which are identified as claims 10-11, 13-18, 20-25, 27, 29-33.

B. Status of all the claims

1. Claims cancelled: claims 1-9, 12, 19, 26, 28.
2. Claims withdrawn from consideration but not cancelled: none
3. Claims pending: claims 10-11, 13-18, 20-25, 27, 29-33
4. Claims allowed: none
5. Claims rejected: claims 10-11, 13-18, 20-25, 27, 29-33

C. Claims on Appeal

Claims on appeal are claims 10-11, 13-18, 20-25, 27, 29-33 as rejected by the Final Office Action dated January 16, 2004.

IV. STATUS OF AMENDMENTS

No Amendment was field in response to the Final Office Action.

V. SUMMARY OF INVENTION

The invention relates to an accommodation bag in which at least one liquid can be heated, either by an external source such as a microwave oven or by an internal heating element, and be mixed with other substances contained in the accommodation bag. See Abstract and page 1, lines 5-11 of the specification.

According to the present invention a number of inner bags are installed in an outer bag (1, FIG. 1). A first inner bag is a liquid accommodation bag filled with a liquid (3, FIG. 1). The first inner bag has a first vapor-releasing hole (2, FIG. 1). The first vapor-releasing hole is closed by a first seal configured to open when a pressure inside the first inner bag reaches a predetermined level when the liquid is heated, thereby allowing the heated liquid to escape the first inner bag. Preferably, the first vapor-releasing hole is formed on an upper part of the first inner bag and the heated liquid flows out as vapor. See page 4, lines 15-23 of the specification.

A second inner bag is a good accommodation bag (7, FIG. 1) containing therein a substance to be mixed with the heated liquid which, after escaping the first inner bag, enters the second inner bag to heat and be mixed with the substance. See page 5, lines 6-19 of the specification.

The outer bag has a second vapor-releasing hole (4, FIG. 1) that is formed at the top of the outer bag and closed by a second seal configured to open when a pressure inside the outer bag reaches a predetermined value. The outer bag may also have a liquid-releasing hole (5, FIG. 1) formed at the bottom of the outer bag. See page 4, lines 2-14 of the specification.

The first inner bag may contain an internal heating element (6, FIG. 1). See page 5, line 2 of the specification. The liquid and the substance to be heated by and mixed with the

liquid are preferably edible. See page 5, lines 6-9 of the specification. The second inner bag is preferably bonded to the bottom of the outer bag. See page 5, lines 18-19 of the specification. The outer bag may include a time adjustable seal, as well as time (8, FIG. 3) and/or pressure indicator(s).

In use, the liquid in the first inner bag is heated and escapes the first inner bag in an amount sufficient for submergence of at least a portion of the second inner bag with the substance contained therein. See the liquid illustration in FIGs. 2-3. The substance is thus heated and mixed with the heated liquid.

VI. ISSUES

A. First Issue

The first issue is whether the Examiner was correct in rejecting claims 31 and 33 under *35 U.S.C. 112, first paragraph* as failing to comply with the written description requirement.

B. Second Issue

The second issue is whether the Examiner was correct in rejecting claims 20, 22-25 and 32 under *35 U.S.C. 103(a)* as being obvious over *Ooyama* (JP 03-136614).

C. Third Issue

The third issue is whether the Examiner was correct in rejecting claims 21 and 33 under *35 U.S.C. 103(a)* as being obvious over *Ooyama* in view of *Hoffman* (U.S. Patent No. 3,683,889).

D. Fourth Issue

The fourth issue is whether the Examiner was correct in rejecting claim 29 under *35 U.S.C. 103(a)* as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Chung* (U.S. Patent No. 5,741,534).

E. Fifth Issue

The fifth issue is whether the Examiner was correct in rejecting claims 10, 11, 13-15, 18, 30, 31 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman*.

F. Sixth Issue

The sixth issue is whether the Examiner was correct in rejecting claims 16-17 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Yoshio* (JP 06-329179).

G. Seventh Issue

The seventh issue is whether the Examiner was correct in rejecting claim 27 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Chung*.

VII. GROUPING OF CLAIMS

For purposes of this Appeal Brief only, the claims have been grouped as follows:

- | | |
|------------|---------------------------------|
| Group I. | Claims 20, 22-25 and 32 |
| Group II. | Claims 21 and 33 |
| Group III. | Claim 29 |
| Group IV. | Claim 10, 11, 13-15, 18, 30, 31 |
| Group V. | Claims 16 and 17 |
| Group VI. | Claim 27 |

The Appellant respectfully asserts that claims in each group are separately patentable, and thus, the claims do not stand or fall together.

VIII. ARGUMENTS

A. First Issue

35 U.S.C. 112, first paragraph rejection of claims 31 and 33

The Examiner rejected claims 31 and 33 under *35 U.S.C. 112, first paragraph* as failing to comply with the written description requirement. In particular, the Examiner stated that the specification does not disclose a submergence of a second inner bag with vapor. This is not the correct reading of claims 31 and 33.

Claim 31 reads as follows:

31. The container of claim 30, wherein
said portion of said second inner bag is bonded to the bottom of said outer bag; and
said internal heating element is configured to generate sufficient heat to cause said
liquid to escape said first inner bag, as vapor, in an amount sufficient for submergence of said
portion of said second inner bag and the substance contained therein.

The plain meaning of the last paragraph of claim 31 is that said internal heating element is configured to generate sufficient heat to cause said liquid to (i) escape said first inner bag as vapor, and (ii) escape said first inner bag in an amount sufficient for submergence of said portion of said second inner bag and the substance contained in said portion of the second inner bag. The former finds solid support in the original specification, e.g., page 4, line 20. The latter finds solid support in the original drawings, e.g., FIGs. 2 and 3. A person of ordinary skill in the art, after looking at FIGs. 2-3 and reading the relevant part of the specification, would at once recognize that the second inner bag is submerged in the heated liquid which has escaped the first inner bag as vapor. The invention of claim 31, as correctly construed above, is clearly supported by the specification as filed.

Accordingly, Appellant respectfully submits that claim 31 complies with the written description requirement. Claim 33 also complies with the written description requirement for at least the same reason.

Conclusion

For the reason shown above, Appellant respectfully requests that the 35 U.S.C. 112, first paragraph rejection of claims 31 and 33 be reversed.

B. Second Issue

35 U.S.C. 103(a) rejection of claims 20, 22-25 and 32 as being obvious over Ooyama

The Examiner rejected claims 20, 22-25 and 32 under 35 U.S.C. 103(a) as being obvious over *Ooyama*. Appellant respectfully traverses this erroneous rejection.

Ooyama discloses a drink-and-food cooking pack (claim 1 of *Ooyama*) characterized in that

(1) the pack has

(a) a heat-resistant outer bag that is provided with a vapor-pressure releasing hole on its top face and a boiled-water releasing hole on its bottom face;

(b) a heat-resistant, food-and-drink storage bag that (i) is provided in said outer bag, (ii) stores foods or drinks, and (iii) allows boiled water to pass through; and

(c) a heat-resistant, liquid-storage bag that (i) stores liquid, and (ii) is provided in said outer bag while being overlaid on said drink-and-food storage bag; and in that

(2) when said outer bag is heated, said liquid in said liquid-storage bag is boiled, and as a result, boiled water flows out and pours onto the surface of said drink-and-food storage bag.

According to *Ooyama*, the liquid stored in the liquid-storage bag is heated by external heating means and is caused to flow out of the liquid-storage bag to the inside of the outer bag. Therefore, food ingredients stored in the drink-and-food storage bag can be cooked by the heated liquid. The liquid-storage bag is provided with a liquid-flow hole (31, FIG. 3 of *Ooyama*) at its bottom, and a seal (33, FIG. 3 of *Ooyama*) is adhered to the liquid-flow hole in such a way that the seal can be peeled off when a vapor pressure inside the bag reaches a predetermined level.

Ooyama discloses two different embodiments. The first embodiment in Figs. 1-9 includes two inner bags i.e., a liquid-storage bag (12, FIG. 1 of *Ooyama*) and a food-storage bag (13, FIG. 1 of *Ooyama*). The liquid-storage bag is disposed above the food-storage bag and is provided with a bottom hole for releasing the heated liquid to an interior of the outer bag. The food-storage bag is immersed in the heated liquid and food ingredients in the food-storage bag are mixed with the heated liquid. The heated and mixed liquid is subsequently released from the outer bag through a bottom hole (23, FIG. 9 of *Ooyama*) thereof. This embodiment lacks a vapor releasing hole in an upper part of the liquid-storage bag. See FIG. 8 of *Ooyama*.

A second embodiment of *Ooyama* is disclosed in Figs. 10-13 with an outer bag containing a liquid-storage bag (52, FIG. 10 of *Ooyama*) and food (F, Figs. 10-13 of *Ooyama*) and being divided by a partition wall (68, FIG. 11 of *Ooyama*). This embodiment, however, lacks a separate food-storage bag enclosing the food F.

Independent Claim 20

The following are supposed errors in the Examiner's rationale.

In paragraph 13 of the Final Office Action, the Examiner alleged that *Ooyama* teaches the liquid release hole (i.e. hot water draining opening item 31) of the first inner bag may be substituted with a steam pressure release hole for steaming products. Appellant respectfully disagrees, because *Ooyama* does not teach or suggest a steam pressure releasing vent provided in the liquid accommodation bag. The *Ooyama* element 31 is disclosed to only discharge liquid, rather than steam. It is the outer bag, rather than the liquid accommodation bag, that is provided with a steam pressure releasing vent. See elements 21, 26 in FIG. 9 of *Ooyama*. This is also evident from the specification of *Ooyama*, e.g., the "Embodiment" section, the third paragraph from the bottom, where it is disclosed that in the described embodiment, the liquid container bag should be stored in a heat resistant outer bag that has a steam pressure releasing vent. Therefore, *Ooyama* fails to disclose, teach or suggest the claimed first inner bag having a first vapor-releasing hole.

In paragraph 14 of the Final Office Action, the Examiner alleged that it would have been obvious to substitute the partition sheet with a second inner bag for the same purpose of

placing permeable separating means between the ingredients and the liquid. Appellant respectfully disagrees. A person of ordinary skill in the art would not have replaced a simpler structure, i.e., the partition sheet, with a more complex structure, i.e., the second inner bag, without a suggestion that an additional, positive advantage would be achieved. The same result, i.e., the presence of permeable separating means between the ingredients and the liquid, would not have been sufficient to motivate the person of ordinary skill in the art to have made the Examiner's suggested modification. Therefore, *Ooyama* cannot be properly modified in the manner the Examiner proposed without another, adequate suggestion or motivation.

For any of the reasons advanced above, Appellant respectfully submits that the obviousness rejection of claim 20 is inappropriate and should be reversed. Appellant will nevertheless proceed with further remarks.

In the Final Office Action, especially paragraphs 13-16, the examiner appeared to allege that *Ooyama* includes an enabling disclosure of a method of cooking by steaming with the liquid discharged from the liquid accommodation bag, i.e., if the liquid accommodation bag is located at the bottom side and the food component is located at the top side of the outer bag, the vapor generated from the bottom side will be used to steam the food components at the top side. Appellant respectfully disagrees. As discussed above, *Ooyama* discloses two specific embodiments in which the liquid accommodation bag is always arranged at the top side whereas the food components are always arranged at the bottom side. Apparently, *Ooyama* does not include an enabling disclosure of the reversed structure in which the food components are arranged at the top side. In the following section, Appellant will point out that, even if *Ooyama* is considered to include an enabling disclosure of a third "steaming" embodiment, i.e., the reverse of the second embodiment shown in FIGs. 11-13, the *Ooyama* reference, nevertheless, fails to teach or suggest all limitations of claim 20.

In his rejection, the Examiner appeared to primarily rely on the "steaming" embodiment of *Ooyama* in which liquid-containing bag 52 and food F in FIGs. 10-13 switch places. Basically, the Examiner argued two points, i.e., in the *Ooyama* "steaming" embodiment, 1) it would have been obvious to substitute a food containing bag for partition sheet 68, and 2) it would have been obvious to include a steam-pressure-releasing vent in the liquid containing bag

in the steaming embodiment of *Ooyama* as presently claimed. Appellant respectfully disagrees with the first point as argued above with respect to paragraph 14 of the Final Office Action.

With respect to the second point, Appellant respectfully submits that *Ooyama* fails to disclose, teach or suggest a first vapor-releasing hole that is formed in an **upper part** of the first inner bag filled with liquid and is closed by a **seal configured to release the liquid into the outer bag as vapor**, as presently claimed in claim 20.

The *Ooyama* reference discloses a liquid discharge vent that is provided on the liquid-containing bag. *Ooyama* only discloses that the vent is formed in the lower part of the liquid-containing bag. *See* all figures of *Ooyama*. In addition, since the reference does not teach or suggest releasing the liquid into the outer bag as vapor, a person of ordinary skill in the art would recognize that the *Ooyama* liquid discharge vent is formed simply to reduce the pressure in the liquid-containing bag, by allowing the heated liquid to flow out. Thus, such a person of ordinary skill in the art would understand that in the “steaming” embodiment of *Ooyama*, the liquid discharge vent should be formed at the bottom of the liquid-containing bag so that the liquid is allowed to flow out upon heating. The food positioned above partition sheet 68 is then steamed by the steam generated from the heated liquid that has flown out of the liquid-containing bag in the liquid state. This understanding is consistent with the relevant part of the reference where *Ooyama* simply suggests the idea of switching places of the liquid-containing bag and the food-containing bag, without specifying how the liquid discharge vent should be positioned in the liquid-containing bag.

Accordingly, Applicants respectfully submit that the *Ooyama* “steaming” embodiment includes at best a liquid-releasing hole formed at the bottom of the liquid-containing bag. Such a structure is not readable on the claimed first vapor-releasing hole that is formed in an upper part of the first inner bag filled with liquid and is closed by a seal configured to release the liquid into the outer bag as vapor, as recited in claim 20. Therefore, independent claim 20 is not obvious over *Ooyama*.

Dependent Claims 22-25 and 32

Claims 22-25 and 32 depend from claim 20, and are considered patentable at least for the reasons advanced with respect to claim 20. Claims 22-25 and 32 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claim 23, the “steaming” embodiment of *Ooyama* clearly fails to disclose, teach or suggest the claimed **liquid releasing hole formed at the bottom of said outer bag**. The “steaming” embodiment of *Ooyama* is the reverse of the second embodiment shown in FIGs. 10-13 of *Ooyama* with respect to the food and liquid containing bags only. The outer bags of the “steaming” embodiment of *Ooyama* and the second embodiment must be the same. As can be seen in FIGs. 10-13 of *Ooyama*, the outer bag of the second embodiment does not have a bottom liquid releasing hole. Therefore, a bottom liquid releasing hole should also be absent in the “steaming” embodiment of *Ooyama*. This is also consistent with the common knowledge in the art that the steaming liquid (e.g., water) is generally discarded, rather than being consumed by the user: the steamed food is the desired product of the steaming process. Since the *Ooyama* article is a one-time, disposable food-drink package, it is most convenient if the liquid is discarded together with the outer bag after use. There is no need for providing the outer bag of the “steaming” embodiment of *Ooyama* with a bottom liquid discharge hole as such would be redundant. Accordingly, claim 23 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

As to claim 24, the “steaming” embodiment of *Ooyama* clearly fails to disclose, teach or suggest that second, **food-containing bag is bonded to the bottom of the outer bag**. The “steaming” embodiment of *Ooyama* cannot be modified to include the highlighted feature because the food must be positioned *above* the liquid-containing bag, and hence, above the bottom of the outer bag. Although, in other embodiments, e.g., FIGs. 1-8, *Ooyama* discloses a food-containing bag pasted to the bottom of the outer bag, such embodiments do not include and are not modifiable to include a vapor-releasing hole formed in an upper part of the liquid-

containing bag. Accordingly, claim 24 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

As to claim 32, the “steaming” embodiment of *Ooyama* clearly fail to disclose, teach or suggest a container, comprising an outer bag; a first inner bag filled with a liquid and having a first vapor-releasing hole in an upper part thereof; a second inner bag containing therein a substance; wherein at least a portion of said second inner bag and the substance contained therein are positioned **below the first vapor-releasing hole** of said first inner bag. In the “steaming” embodiment of *Ooyama*, the entirety of the food is positioned *above* the steam-pressure-releasing vent, if any. Other embodiments shown in FIGs. 1-13 of *Ooyama* lack the claimed vapor-releasing hole of the liquid-containing bag. Accordingly, claim 32 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Conclusion

For the reasons shown above, Appellant respectfully requests that the *35 U.S.C. 103(a)* rejection of claims 20, 22-25 and 32 be reversed.

C. Third Issue

35 U.S.C. 103(a) rejection of claims 21 and 33 as being obvious over Ooyama in view of Hoffman

The Examiner rejected claims 21 and 33 under *35 U.S.C. 103(a)* as being obvious over *Ooyama* in view of *Hoffman*. Appellant respectfully traverses this erroneous rejection.

The *35 U.S.C. 103(a)* rejection of claim 21 is traversed at least for the reasons advanced with respect to claim 20 from which claim 21 depends.

The *35 U.S.C. 103(a)* rejection of claim 33 is further traversed for the reason advanced with respect to claim 32 which includes a limitation similar to claim 33.

The *35 U.S.C. 103(a)* rejection of claim 33 is further traversed, because the applied references clearly fail to disclose, teach or suggest that the claimed internal heating element is **configured to generate sufficient heat** to cause said liquid to escape said first inner bag, as

vapor, in **an amount sufficient for submergence** of said portion of said second inner bag and the substance contained therein. In the “steaming” embodiment of *Ooyama*, the vapor-generating liquid necessary for *steaming* the food need not necessarily escape the liquid containing bag in an amount sufficient for submergence of the food. Other embodiments of *Ooyama* lack the claimed amount of heat which is sufficient to cause the liquid to escape the liquid-containing bag as vapor; such embodiments of *Ooyama* simply require heating the liquid, rather than vaporizing it. Accordingly, claim 33 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Conclusion

For the reasons shown above, Appellant respectfully requests that the 35 U.S.C. 103(a) rejection of claims 21 and 33 be reversed.

D. Fourth Issue

35 U.S.C. 103(a) rejection of claim 29 as being obvious over Ooyama in view of Hoffman and further in view of Chung

The Examiner rejected claim 29 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Chung*. Appellant respectfully traverses this erroneous rejection.

The 35 U.S.C. 103(a) rejection of claim 29 is traversed at least for the reasons advanced with respect to claim 20 from which claim 29 depends.

The 35 U.S.C. 103(a) rejection of claim 29 is further traversed because the applied references singly or in combination fail to disclose, teach or suggest all limitations of the rejected claim, i.e., a plurality of said second closed inner bags disposed **around** said first inner bag. The “steaming” embodiment of *Ooyama* is not combinable with *Chung* to have a plurality of the second, food-containing bags positioned around the first, liquid-containing bag in the presently claimed manner, because in the *Ooyama* “steaming” embodiment, such food-containing bags should be positioned above the liquid-containing bag. Disposing the *Ooyama* food-containing bags around the liquid-containing bag would render the “steaming” embodiment of *Ooyama*

unsatisfactory for its intended purpose, i.e., steaming. Accordingly, claim 29 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Conclusion

For the reasons shown above, Appellant respectfully requests that the 35 U.S.C. 103(a) rejection of claim 29 be reversed.

E. Fifth Issue

35 U.S.C. 103(a) rejection of claims 10, 11, 13-15, 18, 30, 31 as being obvious over Ooyama in view of Hoffman

The Examiner rejected claims 10, 11, 13-15, 18, 30, 31 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman*. Appellant respectfully traverses this erroneous rejection.

Independent Claim 10

The 35 U.S.C. 103(a) rejection of claim 10 is traversed for the reasons advanced with respect to claim 20 which includes limitations similar to independent claim 10.

The 35 U.S.C. 103(a) rejection of claim 10 is further traversed for the reasons advanced with respect to claim 23 which includes a limitation similar to independent claim 10.

The 35 U.S.C. 103(a) rejection of claim 10 is further traversed because the applied references singly or in combination fail to disclose, teach or suggest all limitations of the rejected claim, i.e., the claimed internal heating element being installed **in** said first inner bag (liquid-containing bag). In *Hoffman*, diaphragm 19 and separator 20 form chambers 23 and 24. Chamber 23 accommodates a liquid reactant, and chamber 24 accommodates a solid reactant for exothermic reaction. Chamber 23 is formed so as to face the liquid to be heated, and chamber 24 is directed to the outside of the container. Therefore, chambers 23 and 24 are not accommodated inside the liquid-containing container, as presently claimed. Accordingly, claim 10 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Dependent Claims 11, 13-15, 18, 30, 31

Claims 11, 13-15, 18, 30, 31 depend from claim 10, and are considered patentable at least for the reasons advanced with respect to claim 10. Claims 11, 13-15, 18, 30, 31 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

The *35 U.S.C. 103(a)* rejection of claim 14 is further traversed for the reason advanced with respect to claim 24 which includes a limitation similar to claim 14. Accordingly, claim 14 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

The *35 U.S.C. 103(a)* rejection of claim 30 is further traversed for the reason advanced with respect to claim 32 which includes a limitation similar to claim 30. Accordingly, claim 30 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

The *35 U.S.C. 103(a)* rejection of claim 31 is further traversed for the reason advanced with respect to claim 33 which includes a limitation similar to claim 31. Accordingly, claim 31 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Conclusion

For the reasons shown above, Appellant respectfully requests that the *35 U.S.C. 103(a)* rejection of claims 10, 11, 13-15, 18, 30, 31 be reversed.

F. Sixth Issue

35 U.S.C. 103(a) rejection of claims 16-17 as being obvious over Ooyama in view of Hoffman and further in view of Yoshio

The Examiner rejected claims 16-17 under *35 U.S.C. 103(a)* as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Yoshio*. Appellant respectfully traverses this erroneous rejection for, at least, the reasons advanced with respect to claim 10 from which claims 16-17 depend.

Conclusion

For the reasons shown above, Appellant respectfully requests that the 35 U.S.C. 103(a) rejection of claims 16-17 be reversed.

G. Seventh Issue

35 U.S.C. 103(a) rejection of claim 27 as being obvious over Ooyama in view of Hoffman and further in view of Chung

The Examiner rejected claim 27 under 35 U.S.C. 103(a) as being obvious over *Ooyama* in view of *Hoffman* and further in view of *Chung*. Appellant respectfully traverses this erroneous rejection.

The 35 U.S.C. 103(a) rejection of claim 27 is traversed at least for the reasons advanced with respect to claim 10 from which claim 27 depends.

The 35 U.S.C. 103(a) rejection of claim 27 is further traversed for the reason advanced with respect to claim 29 which includes a limitation similar to claim 27: Accordingly, claim 27 is separately patentable, and thus, this claim does not stand or fall together with the other claims in the group.

Each of the Examiner's rejections has been traversed. Accordingly, Appellant respectfully submits that all claims on appeal should be considered allowable. Accordingly, reversal of the Examiner's Final Rejection is believed appropriate and courteously solicited.

If for any reason this Appeal Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Applicant's attorney of record.

Respectfully submitted,
LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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Date: July 15, 2004

IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

10. A container, comprising:

an outer bag;

an internal heating element;

a first inner bag accommodated in said outer bag and filled with a liquid, wherein the internal heating element is installed in said first inner bag for heating said liquid thereby raising a pressure of said liquid inside said first inner bag, said first inner bag being made liquid-impermeable except at least for a first vapor-releasing hole that is positioned in an upper part thereof and closed by a first seal configured to open when the pressure of said liquid reaches a predetermined level thereby allowing said heated liquid to escape said first inner bag as vapor; and

a second inner bag accommodated in said outer bag and containing therein a substance to be mixed with said vapor, said second inner bag being made liquid permeable at least partially for allowing said heated liquid, after escaping said first inner bag as vapor, to enter said second inner bag and to heat and be mixed with said substance;

said outer bag having a second vapor-releasing hole that is formed at the top of said outer bag and closed by a second seal configured to open when a pressure inside said outer bag reaches a predetermined value, and a liquid-releasing hole formed at the bottom of said outer bag.

11. The container of claim 10, wherein said substance comprises at least one of solid and liquid foods.

13. The container of claim 10, wherein said liquid is edible.

14. The container of claim 10, wherein said second inner bag is bonded to the bottom of said outer bag.

15. The container of claim 10, wherein said second seal is time adjustable.

16. The container of claim 15, further comprising an indicator for displaying the time when said second seal is open.

17. The container of claim 10, further comprising a pressure indicator for indicating the pressure inside said outer bag.

18. The container of claim 10, wherein said heating element includes at least two kinds of material which chemically react with each other and at the same time generate heat for heating said liquid, said at least two kinds of material being stored separately and isolate from said liquid, said at least two kinds of material being mixed to react upon application of an external force to said container.

20. A container, comprising:
an outer bag;
a first inner bag accommodated in said outer bag and filled with a liquid, said first inner bag being made liquid-impermeable except at least for a first vapor-releasing hole that is positioned in an upper part thereof and closed by a first seal configured to open when a pressure inside said first inner bag reaches a predetermined level by heating said liquid, thereby allowing said heated liquid to escape said first inner bag as vapor; and
a second closed inner bag accommodated in said outer bag and containing therein a substance to be mixed with said vapor, said second inner bag being made liquid permeable at least partially for allowing said liquid, after escaping said first inner bag as vapor, to enter said second inner bag and to heat and be mixed with said substance.

21. The container of claim 20, wherein said first inner bag is equipped with an internal heating element for heating said liquid in said first inner bag.

22. The container of claim 20, wherein said outer bag has a second vapor-releasing hole that is formed at the top of said outer bag and closed by a second seal configured to open when a pressure inside said outer bag reaches a predetermined value.

23. The container of claim 20, wherein said outer bag has a liquid releasing hole formed at the bottom of said outer bag .

24. The container of claim 23, wherein said second inner bag is bonded to the bottom of said outer bag.

25. The container of claim 20, wherein said liquid and substance are edible.

27. The container of claim 10, further comprising a plurality of said second inner bags disposed around said first inner bag.

29. The container of claim 20, further comprising a plurality of said second closed inner bags disposed around said first inner bag.

30. The container of claim 10, wherein at least a portion of said second inner bag and the substance contained therein are positioned below the first vapor-releasing hole of said first inner bag.

31. The container of claim 30, wherein
said portion of said second inner bag is bonded to the bottom of said outer bag; and
said internal heating element is configured to generate sufficient heat to cause said liquid to escape said first inner bag, as vapor, in an amount sufficient for submergence of said portion of said second inner bag and the substance contained therein.

32. The container of claim 20, wherein at least a portion of said second inner bag and the substance contained therein are positioned below the first vapor-releasing hole of said first inner bag.

33. The container of claim 21, wherein

at least a portion of said second inner bag and the substance contained therein are positioned below the first vapor-releasing hole of said first inner bag; and

said internal heating element is configured to generate sufficient heat to cause said liquid to escape said first inner bag, as vapor, in an amount sufficient for submergence of said portion of said second inner bag and the substance contained therein.